

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:11-CR-116-RLH (CWH)
	)	
JAVIER DIAZ,	)	
	)	
Defendant.	)	

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on January 13, 2012, defendant JAVIER DIAZ pled guilty to Count Three of a Four-Count Criminal Indictment charging him in Count Three with Receipt of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Docket #1.

This Court finds defendant JAVIER DIAZ agreed to the forfeiture of the property set forth in Forfeiture Allegation of the Criminal Indictment and the Bill of Particulars and agreed to in the Plea Memorandum. #1, #15.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment, the Bill of Particulars and the Plea Memorandum and the offense to which defendant JAVIER DIAZ pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Sections 2253(a)(1) and 2253(a)(3):

...

- a) all visual depictions described in Title 18, United States Code, Section 2251, 2251A, 2252, and 2252A and all items containing such visual depictions, which were transported, shipped and received in violation of Title 18, United States Code, Section 2252A and all property, real and personal, used and intended to be used to commit and promote the commission of the aforesaid offense, including but not limited to, the following properties: computer images, including movie files, depicting a minor engaging in sexually explicit conduct and the diskettes and hard drives on which they are maintained;
- b) HP Pavillion computer, serial number MXXV94305QR;
- c) Gateway computer, serial number 0027660668;
- d) Toshiba laptop computer, serial number 94384034K;
- e) Apple iPhone, serial number Unknown; and
- f) Sony cyber digital camera, serial number 6725579 (“property”).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of JAVIER DIAZ in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

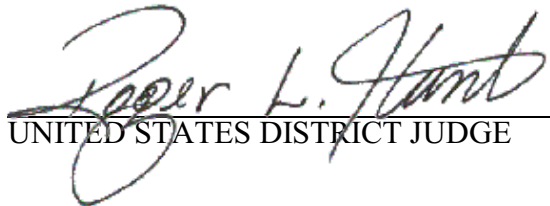
1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
2 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
4 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
5 following address at the time of filing:

6 MICHAEL A. HUMPHREYS  
Assistant United States Attorney  
7 DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney  
8 Nevada State Bar No. 1925  
Lloyd D. George United States Courthouse  
9 333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
11 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
12 following publication of notice of seizure and intent to administratively forfeit the above-described  
13 property.

14 DATED this 17th day of January, 2012.

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17 UNITED STATES DISTRICT JUDGE  
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